



MAYOR AND COUNCIL AGENDA

NO. **9**

DEPT.: Recreation and Parks/Police

DATE: July 19, 2004

ACTION: Adoption of Ordinance To Amend Chapter 14, "Parks and Recreation," by amending Section 14-38 so as to Change the Title from "Bicycles" to "Wheeled Recreational Vehicles," and to Regulate the Use Thereof on Publicly Owned Recreation Areas Within the Corporate Limits of the City of Rockville.

This ordinance will allow the City to restrict use of these recreational vehicles in ways that damage property and/or present potential risks to other persons. Safe and responsible use of these vehicles will not be affected.

ACTION STATUS:

FOR THE MEETING OF: 7/26/04

INTRODUCED 5/10/04

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER 14

SECTION 14-38

☐ CONSENT AGENDA

RECOMMENDATION: Adopt the Ordinance. Staff recommends setting the fine for violation of the ordinance at \$100 per incident.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Neighborhood: This ordinance will allow the City to restrict use of these recreational vehicles in ways that damage person and property. It will make the parks safer, and allow the City Police to protect public property from damage caused by destructive uses of these recreational vehicles. Safe and responsible use of these vehicles will not be affected.

BACKGROUND: The proposed ordinance restricts reckless, careless and destructive uses of "wheeled recreational vehicles:" skateboards, roller skates, scooters, bicycles and unicycles.

The amendment is responsive to two problems that have been articulated by many City residents, business owners, as well as City staff and City Police:

- Use of these recreational vehicles in a manner that endangers persons or property. As stated in the proposed ordinance: use in a negligent manner, defined as use in a careless, inattentive, or imprudent manner that endangers persons or property.
- Use of these recreational vehicles on any vertical surface located on public or private property open to the public and not designed for use by the specific wheeled vehicle, including but not limited to benches, outdoor tables, planters, public art, and walls.

The ordinance would allow the Police to confiscate these recreational vehicles from any person who is observed using one of them in violation of the ordinance. Once the fine is paid (if applied) the vehicle will be returned to the offender. If the offender is a juvenile the vehicle is returned to the parent (or guardian).

Many communities have placed restrictions on use of these recreational vehicles. In some cases, skateboarding and in-line skating have been outlawed completely, particularly in downtown areas. Since many adults and children enjoy these activities and practice them in a safe and responsible manner, staff is recommending this approach of restricting only reckless and destructive uses.

Public Information Since Introduction: This ordinance amendment was formally introduced by the Mayor and Council at the May 10, 2004 General Session. Since that time, the following actions have been taken to publicize the proposed changes:

- Article in Rockville Reports
- Cable TV Interview – Burt Hall
- Press Release
- Article in Rockville Gazette
- Article in Washington Post – Montgomery Weekly
- TV Interview – Channel 8
- TV Interview – WJLA Channel 7
- Associated Press Wire Story

Two comments have been received from the public, both supportive of the ordinance amendments.

Implementation: The Police will implement a "break-in" period in which violators are approached and informed about the new law, issued warnings as appropriate. Following this initial period, the Police will implement full application of the ordinance.

PREPARED BY:

Burt Hall 7.21.04
Burt Hall, Director of Recreation and Parks Date

CONCUR:

Terry Treschuk 7-21-04
Terry Treschuk, Chief of Police Date

APPROVE:

Catherine Tuck Parrish
Catherine Tuck Parrish, Acting City Manager

7/21/04
Date

LIST OF ATTACHMENTS:

Proposed ordinance

Ordinance No. _____

ORDINANCE:

To amend Chapter 14, "Parks and Recreation," by amending Section 14-38 so as to change the title from "Bicycles" to "Wheeled recreational vehicles" and to regulate the use thereof on publicly owned recreation areas within the corporate limits of the City

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE THAT

Chapter 14, "Parks and Recreation," Section 14-38 be amended to read as follows:

Section 14-38. [Bicycles] Wheeled recreational vehicles.

(a) A person may not ride, operate, or use a [bicycle] wheeled recreational vehicle, as defined in section 13-70 of this Code on other than a paved vehicular road or path, or other surface, designated for that purpose.

(b) No person shall ride, operate, or use a wheeled recreational vehicle in any manner that damages picnic tables, park benches, public art, or other park equipment, or in any manner that violates the provisions of Section 13-70 of this Code.

NOTE: [Brackets] indicate material deleted
Underlining indicates material added

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, CMC, City Clerk